

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

DANIEL SHULTS) Civil Action No.
Plaintiff,) 4:11-cv-198
vs.)
PORTFOLIO RECOVERY ASSOCIATES, INC.) MOTION FOR ENTRY OF ENTRY
Defendant,) OF DEFAULT AND
) DECLARATION IN SUPPORT
) THEREOF
)
)
)

TO ALL PARTIES AND ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that Plaintiff, by and through his attorneys, hereby requests this Court to make an entry of default against Defendant, PORTFOLIO RECOVERY GROUP, LLC, as defendant has failed to timely answer or otherwise defend itself from Plaintiff's Complaint. The instant motion is based upon the following facts and the supporting declaration by Plaintiff's counsel.

Dated: August 10, 2011

Consumer Rights Law Firm, PLLC

By: /s/ Derek DePetrillo
Derek DePetrillo
Attorney for Plaintiff

**DEFENDANT HAS FAILED TO TIMELY ANSWER OR DEFEND ITSELF
AGAINST PLAINTIFF'S COMPLAINT**

1. On June 15, 2011, Plaintiff filed his Complaint against Defendant, PORTFOLIO RECOVERY GROUP, LLC ("Defendant").

2. Plaintiff's Complaint alleged violations of the FDCPA, 15 US 1692 *et seq.*

3. Plaintiff sought statutory damages pursuant to the above-mentioned statutes in addition and reasonable attorney's fees.

4. On June 21, 2011, Defendant was served with the Summons and Complaint.

(See certificate of service attached as Exhibit A)

5. Defendant's Answer to Plaintiff's Complaint was due on July 12, 2011.

6. To date, Defendant has not filed an Answer nor requested an extension to file its Answer.

7. *Federal Rule of Civil Procedure 55* (a) provides that "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

8. Defendant has failed to plead or otherwise defend itself against Plaintiff's Complaint.

9. Plaintiff now requests that this court enter a default against Defendant.

WHEREFORE, Plaintiff respectfully requests this court grant his instant motion and enter a default against Defendant, PORTFOLIO RECOVERY GROUP, LLC, for failure to timely plead or otherwise defend against Plaintiff's Complaint.

RESPECTFULLY SUBMITTED,
August 10, 2011

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